Council

16 October 2025

Review of the Constitution

Report from / author: Bhupinder Gill, Assistant Director, Legal and Governance

Summary

A number of measures to reduce the length of full Council meetings have been trialled since the Council elections held in May 2023. These have included motions being debated earlier on the agenda, a limited number of speakers on motions and questions by the public and Members on executive functions to be considered at Cabinet meetings.

This report recommends that those measures that have been trialled be made permanent by changes to the Council procedure rules and that further options, considered at the cross-party governance meetings be adopted too.

1. Recommendations

1.1. The Council is asked to approve the changes to the Council Rules and Article 6 (Overview and Scrutiny Rules) of the Constitution as set out in Appendices A and B to the report in respect of changes to the arrangements for conducting full Council meetings.

2. Budget and policy framework

2.1. The proposed changes to the Council procedure rules within the Constitution, as set out in the report are a matter for decision by the Council.

2.2. Paragraph 16.2 of the Council Rules states that “Any motion to add to, change or withdraw these Council rules will, when proposed and seconded, be taken forward without discussion to the next ordinary meeting of the Council.” The changes proposed in this report were initially included on the agenda for the full Council meeting held on 17 July 2025. In accordance with rule 16.2, the proposed changes were taken forward without discussion to the current meeting of full Council.

2.3. Article 14 of the Constitution states that the Monitoring Officer has delegated authority to make minor changes to the Constitution, with a copy of such changes being supplied to all Group Leaders and Whips within 14 days. All other changes to the Constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer.

2.4. The approval of changes to the Constitution are matters for determination by Full Council.

3. Background

3.1. Following the all-out council elections in 2023 the Council saw a significant increase in return of Councillors who were elected to office for the first time. The new influx also saw many councillors with fulltime responsibilities, caring, businesses or employment, that occupy their daytime. Some initial timetabling changes were made to accommodate the socio demographic changes, i.e:

- Cabinet meetings were moved from afternoon meetings to evenings.
- Some meetings with Cabinet Portfolio Holders take place in the early evening.

3.2. The meetings of Council have traditionally commenced at 7pm, to allow those who work during the daytime to return home, refresh and participate. Over the last municipal year representations have been made inter group and to officers that some Members would like to explore how we conduct business at Full Council meetings, in particular with a view to make them more efficient by introducing measures to shorten their length, and thus lessen their impact on Members who have to return to work on Friday mornings. Members have also drawn comparison with other local authorities whose meetings are concluded significantly quicker.

3.3. Historically committee meetings at Medway lasted long into the night, and the length of a meeting was seen as a proxy for effective democratic accountability and scrutiny. A change in cultural attitudes has been taking place, particularly with overview and scrutiny committees, with more focused and themed agendas, greater agenda management and a rule of thumb that meetings ought to be concluded within three hours. Council meetings are a notable outlier.

3.4. Several measures have been trialled so far:

- Motions debated earlier on the agenda.
- Limited number of speakers on motions.
- Questions by the public and Members on executive functions to be considered at Cabinet meetings.

3.5. Some changes were agreed at full Council in April 2025. This report recommends that those other measures that have been trialled be made permanent by changes to the Council procedure rules and that further options, considered at the cross-party governance meetings be adopted too.

4. Options

4.1. **Trialled procedures**

4.1.1. In January 2024 the Council began to trial several changes to the Council procedure rules with the aim of assisting to manage the length of meetings. It is recommended that the following changes be made permanent.

4.1.2. **Timing of motions.** Prior to January 2024 the consideration and debate of motions proposed by elected Members normally occurred after the consideration of reports and thus in the later hours of the meeting. The debates on motions were listed earlier on the agenda to allow wider participation by Members earlier in the evening and those who had to leave due to commitments the next day could still be present. This earlier consideration of motions also assists Members of the public who may wish to attend and observe the debates in person.

4.1.3. **Speakers on motions.** The number of speakers on motions and amendments has also been revised on a trial basis since January 2024 in an attempt to reduce the length of the meetings, improve the quality of the speeches, focused content and reduced repetition. The number of speakers each political group has been allocated, on the basis of equity and not equality, (the proposer, seconder, plus 10 % of each group i.e. roughly on the basis proportionality) is set out below:

- Labour and Cooperative 4
- Conservative 2
- Independent Group 1
- Reform UK 1
- Independent Member 1

4.1.4. Under a previous review, during the Coronavirus pandemic (January 2021), the number of motions that could be submitted by each political group was limited to one per group/independent Member.

4.1.5. Notwithstanding the changes made and trialled so far, many Members have raised concerns about the length of the meetings and also the time they finish. Concern is raised for the welfare of and the toll taken on Members and officers who attend the Council meeting after working a full day and more so, those who need to attend to duties the next morning. Democratic Services have reviewed Council meetings over the last couple of years with regards to motions, Members' questions and public questions, setting out the time taken to consider motions (Members' questions and public questions are time limited agenda items).

Table 1: Motions (M), Member Questions (Cllr Q) and Public Questions (PQ) submitted to Full Council July to Ocotober 2023 – total time is set out in minutes:

2023	Jul	Jul	Jul	Oct	Oct	Oct
	M	Cllr Q	PQ	M	Cllr Q	PQ
Labour	1	3		1	0	
Cons	1	8		1	7	
Ind Group	1	3		1	2	
Ind M	1	1		1	1	
Total	**4**	**15**	**13**	**4**	**10**	**15**
Total Time	**123**			**70**		

Table 2: Motions, Member Questions and Public Questions submitted to Full Council during 2024

2024	Jan	Jan	Jan	Apr	Apr	Apr	Jul	Jul	Jul	Oct	Oct	Oct
	M	Cllr Q	PQ	M	Cllr Q	PQ	M	Cllr Q	PQ	M	Cllr Q	PQ
Labour	1	3		1	4		1	5		0	1	
Cons	1	22		1	21		1	9		1	8	
Ind Group	0	2		1	2		1	1		1	1	
Ind M	0	1		0			1	1		1	0	
Total	**2**	**28**	**16**	**3**	**27**	**9**	**4**	**16**	**6**	**3**	**10**	**12**
Total Time	**68**			**89**			**108**			**96**		

Table 3: Motions, Member Questions and Public Questions submitted to Full Council January to July 2025

2025	Jan	Jan	Jan	Apr	Apr	Apr	Jul	Jul	Jul
	M	Cllr Q	PQ	M	Cllr Q	PQ	M	Cllr Q	PQ
Labour	1	4		1	1		0	11	
Cons	1	6		1	10		1	0	
Ind Group	1	2		2	1		0	0	
Ind M	2	1		2	1		1	0	
Reform	NA			1	2		1	2	
Total	**5**	**13**	**12**	**7**	**15**	**6**	**3**	**13**	**2**
Total Time	**133**			**111**					

4.1.6. **Local Government Act 1972. Schedule 12, reg 42**

"Subject to the provisions of this Act, a local authority may make Standing Orders for the regulation of their proceedings and business and may vary or revoke any such orders."

The above provision allows councils to regulate the conduct of their own business and this has been confirmed by the courts, case law confirms that the regulations of motions can be undertaken. Therefore, Members need to decide:

i) Do they wish to revisit regulation of motions at Council meetings?
ii) If yes, how are they regulated?

4.1.7. **Case Law.** R v Flintshire County Council [2001] EWCA Civ 345. In this case the Council changed their standing orders to require all motions to identify a mover and seconder before they would appear on an agenda. The Council ability to change standing orders was challenged. The court was referred to a Privy Council case The Municipal Corporation of the City of Toronto **Virgo** [1896] AC 88 in which the judge said:

"… there is nothing unlawful about a Standing Order which requires there to be a proposer and a seconder of a motion before it is put on the agenda. **Such a requirement can quite properly be said to be concerned with the regulation of the Council's proceedings and business. It is setting out rules as to how matters are placed on the agenda for subsequent discussion and voting."**

*my emphasis

4.1.8. The Flintshire case confirmed this principle. However, the appeal against that standing order was successful because

> *"The rule was adopted in this case without anything approaching proper consideration of the relevant issues."*

Whilst this paper is not requesting the Council to require all motions to have seconders at the time of printing the agenda, the changes proposed are setting out how matters are placed in the agenda for subsequent discussion and voting. Therefore, any consideration of changes to Council standing orders must consider the legislative background and also the constitutional effects.

4.1.9. **Reduction of Motions.** At recent cross party governance meetings, where all political groups are represented, discussions have taken place on measures that can be taken to reduce the length of the Council meetings; the reduction of the number of motions is one such measure. Those discussions have drawn a divergence of views broadly split along existing group sizes, the larger groups (Labour and Cooperative, and Conservative groups representing 50 of 59 Members) seeking to reduce the number of

motions, whereas the two other groups (Independent and Reform UK representing 7 Members) seek to maintain the status quo.

4.1.10. In reviewing our current system and possibly moving to a different system for debating motions we have to be cognisant that local government law recognises both an independent councillor and a group of councillors:

- When appointing councillors to committees, the law only recognises those who belong to a group (2 or more Members) and committee seats are allocated on that basis, proportionally (S15, Local Government and Housing Act 1989).

- A political group will qualify for a political assistant if they hold at least 10% of the seats on the Council (S9 Local Government & Housing Act 1989).

- The Council's Members' allowances scheme permits a special responsibility allowance for a group leader when it consists of at least 1/10 of the Council's overall membership.

- An administration is generally formed when a collective of individuals form together to have a majority of votes

4.1.11. **Options discussed.** The cross party governance meetings have discussed the following options but then proceeded to discount them:

- A time guillotine. Model standing orders that were reissued as part of the modular constitution in 1999 as part of the supporting documents to the Local Government Act 2000. This Council could choose not to implement such a provision, and many others from that model set of rules. Members have expressed that the use of guillotine is unsatisfactory and it can lead to unproductive behaviours, i.e. sprint to submit motions so it is considered first, filibustering.

- Better quality motions. This does not directly impact on the length of debates.

Remaining options include:

- Limit on the number of motions per meeting. The model standing orders do not contain any limit on the number of motions that may be submitted and that was historically the case at this Council. There is currently a limit of one motion per group / independent Member per Council meeting which was agreed by Full Council in January 2021. The maximum number of motions that may be submitted fluctuates, currently 5, but in recent times has been as high as 7.

- No limit per meeting but an annual limit per group. Such a proposal would limit the number of motions over a municipal cycle, but may not

satisfactorily regulate the length of meetings with consistency, i.e. we could have some shorter meetings and others which are very long.

- Restrictions on the subject matter of motions. The model standing orders contain a restriction on the nature of the motions that may be submitted, they must be about matter for which the Council has a responsibility or which affect the area. The Council's standing orders permit motions of a wider nature "… the Council's responsibilities or the social economic and environmental wellbeing of the area …" The rule has been interpreted generously to facilitate debates and allow democratic decisions rather than bureaucratic prohibition. A narrower standing order and more restrictive interpretation could be adopted.

4.2. **Quantum of motions**

4.2.1. If the Council is to limit the number of motions, either per meeting or annually, Members need to decide the basis of that limitation. The current limit is on the basis of equality.

4.3. **Equality**

4.3.1. Equality is when everyone is treated in the same way, without giving any effect to their need and requirements i.e. it is a state of getting the same quantity or value or status i.e. each group is allowed to submit one motion irrespective of the group size.

4.4. **Equity**

4.4.1. Equity is a system, where there is an even-handed treatment of all participants. The individual needs and requirements are taken into account and treated accordingly i.e. a group of 31 Members would be allowed to submit more motions than a single independent member.

4.4.2. We currently have a system that delivers equality but not equity. It is helpful to look at extremes to better understand how this translates to motions. Under the current system a single independent Member has the same ability to submit a motion as a political group of Councillors (noting there are currently 4 political groups consisting of 31/20/5/2 Members), thereby significantly increasing the voice of a small constituency and dampening the voice of a significantly larger constituency, is this fair? If an equitable adjustment is made, larger groups would have more opportunities than smaller groups or an independent member.

4.4.3. The law recognises both the single councillor and groups of councillors. There are advantages and disadvantages in both which also carry across when seeking to decide how many motions may be included on an agenda. Objectively, the administrative management of business conducted at Council meetings is simpler via groups however each councillor is elected as representative for a constituency. There is no right or wrong answer and Members will need to balance the competing arguments.

4.4.4. If the number of motions is to be limited, Members will need to consider how this will be achieved, fixing the number annually, per meeting or a combination of both.

- A fixed number annually provides an element of certainty, knowing that number of motions per group will be considered but that does not regulate their receipt or consideration. Thus, it is possible all motions could be received for consideration at one Council meeting translating to an exceptionally long meeting which would be contra to the aims of the changes being considered.

- If no fixed number is agreed, the Council could have a varying system e.g. based on time of receipt or a random selection system, where all motions submitted are put into a "hat" and an agreed number are drawn for debate. The time of receipt could lead to "a rush of submissions" to beat others, Members attending the cross party governance group have indicated that such behaviour would be unwelcomed. If all motions are put into a hat and a fixed number drawn out, Members would need to agree how the pool of motions is constituted, by equality or equity, should a motion submitted by a group go into the hat once or should it be put in the hat, say 31/20/5/2 times to represent each Member of that group.

4.4.5. Members have requested officers to consider how the length of meetings could be reduced. It is suggested that one such measure for achieving this is by a having reduced number of motions being debated at each Council meeting. The tables above at paragraph 4.1.5 show that each motions takes circa 30 minutes to be considered and the time spent on motions at each Council meeting is circa two hours. Reducing the maximum number of motions permitted on each agenda to three, i.e. 12 per year, could see the time devoted to their consideration reduce to circa 90 minutes (dependent on the number of amendments moved). This combined with other steps proposed in the paper could deliver a meaningful reduction in length of time of meetings.

	Members	% of Members	12 Motions annually
Labour and Cooperative	31	52.5	6.3
Conservative	19	32.2	3.86
Independent Group	5	8.5	1.02
Reform UK	3	5.1	0.61
Independent Member	1	1.7	0.2
Total	**59**	**100**	**11.99**

4.4.6. **Proportionality or luck.** If it is agreed that the maximum number of motions on each agenda is limited to three, the Council needs to determine a process to identify which three will be debated, is it based on equity, equality or left to luck.

4.4.7. Due to the fluctuations in the number of groups on the Council and a limit of three motions per council meeting, a system for selecting which motions are debated will be required. A strict rota system could be deployed setting out which group can bring a motion to which meeting. However, a group may not wish to bring a motion to an allocated meeting and vice versa. If the choice of when a motion can be submitted is left with the groups this would provide them with more freedom of choice but if more than three motions are received for a particular meeting a selection process will be required.

4.4.8. If the number of motions per agenda is limited to three, a preliminary cycle over a municipal year could look like:

Meeting & motions	**Equality**	**Equity**	**Equity & 10% or more**
July			
1	Labour and Co-operative	Labour and Co-operative	Labour and Co-operative
2	Conservative	Conservative	Conservative
3	Independent Group	Independent Group	Unallocated
October			
1	Reform UK	Unallocated	Unallocated
2	Cllr Spalding	Conservative	Conservative
3	Labour and Co-operative	Labour and Co-operative	Labour and Co-operative
January			
1	Conservative	Conservative	Conservative
2	Independent Group	Labour and Co-operative	Labour and Co-operative
3	Reform UK	Labour and Co-operative	Labour and Co-operative
April			
1	Cllr Spalding	Labour and Co-operative	Labour and Co-operative
2	Labour and Co-operative	Labour and Co-operative	Labour and Co-operative
3	Conservative	Conservative	Conservative

*No motions at Annual Council and budget Council.

4.4.9. **Allocation by Equality.** Each group or independent member would have the opportunity to present a motion at each alternate Council meeting. In rotating access to a “motion slot”:

- A group specified in the table, for a specific meeting, would have primary rights to submit a motion.
- If a slot for motion was not utilised another group could opt to use that availability (using one of their allocated motions and foregoing that opportunity utilised on their next programmed slot).

4.4.10. **Allocation by Equity**. As above in 4.4.9 each group would have the opportunity to present a motion, however this presents challenges when considering the independent Members and smaller groups. Due to their proportional representation on the Council the Independent member and Reform UK group would not have a predetermined allocated spot. Further the Independent Group would be allocated a slot and such recognition is contra to other principles (see para 4.10 above) where groups are recognised differently when they comprise of at least 10% of the Council membership.

4.4.11. **Equity and 10%.** To effect consistency of approach based on equity and the principle of having a minimum of 10% of the Council membership it is proposed that those groups with 10% or more of the membership have predetermined slots for motions to be submitted. Of the remaining two vacant slots, a ballot based on the equitable system is used to determine which of the motions (if any submitted) is included on the agenda and debated). Where the slot is utilised by an independent member/ smaller group they are excluded from the second ballot to maintain the best fit to the number of motions they can submit in a municipal year.

4.4.12. On balance, it is considered easier to administer if a schedule was adopted rather than each group determining when they wish to submit a motion and reflecting existing principles utilised in local government but accommodating smaller groups. Therefore, it is recommended that the Council Rules are amended on the “Equity and 10% basis” set out above.

5. Other alternatives

5.1. There are multiple options and variations that could be considered on how to regulate debating motions and this paper does not seek to provide a comprehensive analysis of all such options but rather highlights those which have been discussed at the cross-party group and thus have some traction with Members. Other alternatives could include no motions at Council meetings and the agenda is limited to transacting business

5.2. Other changes – it is also recommended that Members consider the following the changes to regulate motions:

5.2.1. Currently there is no authority granted to officers to review the construction and content of motions, all such interactions rely on the good will of all parties. This has largely worked well, however good governance should not be dependent on the goodwill of individuals. Therefore, it is proposed that all motions must be submitted to the Monitoring Officer and only those which are approved are included on the agenda.

5.2.2. In recent history motions have been included on the agenda and debated in relation to matters which are not the function of a local authority and are thus outside of its decision making. e.g. national and foreign policy (see table below). It is proposed that the scope of motions be restricted, such that only motions in respect of specific local authority functions be entertained.

Further, that the procedure rule be interpreted narrowly and any motions with a passing/ tenuous association with a local authority function be rejected.

	Nature of Motion	
Council Meeting	Local authority function	National issue
April 25	5	2
Jan 25	2	3
Oct 24	2	1
July 24	2	2
April 24	2	1
Jan 24	1	1
Oct 23	2	2
July 23	3	1
Total	**19**	**14**

6. Scrutiny report

6.1. At each meeting of the Council (save Annual and Budget Council) the Chairperson of the Business Support and Digital Overview and Scrutiny Committee presents a report, inclusive of highlights, highlighting the work of the scrutiny committees. It is proposed that this requirement under the Council procedure rules is revised and a single annual report is presented at the end of the municipal year looking back the more significant pieces of work and also commenting on the task group activity.

6.2. Further, since the report will be commenting on the work of each of the scrutiny committees, it is suggested that each Chairperson of a committee be allowed five minutes to present their part of the annual report. This report also includes proposed revisions to Article 6 of the Constitution to reflect the proposed move to an annual report.

7. Information items

7.1. On occasions reports are considered at Council that are presented as information items to inform Members or provide updates on important matters and require Members simply to note their content, without further actions for implementation.

7.2. It is suggested that all such reports be collated towards the end of the Council agenda and are moved en bloc by the Mayor, seconded by the Deputy Mayor, and noted without debate.

8. Advice and analysis

8.1. By adopting the measures set out in this paper:

- Only three motions per Council agenda;
- Limited speakers on each motion/ amendment;

- Equitable split of total motions;
- Motions limited to local authority functions;
- Questions by the public and Members being answered by the responsible forum;
- Annual scrutiny report;
- Information reports being moved en bloc by the Mayor,

it is hoped a significant reduction in the length of Council meetings will transpire.

9. Consultation

9.1. The proposed changes to the Council Rules have been discussed at the Cross Party Governance meetings, as detailed in the report.

10. Financial, legal and risk management implications

10.1. There are no financial implications arising from this report.

10.2. Section 9P of the Local Government Act 2000 ("the 2000 Act") requires a local authority to prepare and keep up to date a Constitution which contains a copy of the Council's standing orders, a copy of the Council's Code of Conduct, such information as the Secretary of State may direct and such other information as the Council considers appropriate. The Constitution must also include certain mandatory standing orders with respect to staff and the regulation of specified aspects of the proceedings and business of the Council.

10.3. Other legal implications are set out in the body of the report.

10.4. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community. Article 14 of the Council's Constitution places an obligation on the Monitoring Officer to monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect. It is important that this is done on an ongoing and regular basis to minimise the risk of the Council failing to operate its governance arrangements in line with current legislation and best practice.

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Appendices

Appendix A – Tracked changes to the Council Rules in the Constitution (chapter 4, part 1)

Appendix B - Tracked changes to Article 6 of the Constitution (chapter 2, part 6)

Background papers

None